

Senate Study Bill 1036 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON RIELLY)

A BILL FOR

1 An Act allowing the department of transportation to accept
2 reports from advanced registered nurse practitioners
3 disclosing a physical or mental condition that renders a
4 person incompetent to operate a motor vehicle.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.186, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. A physician licensed under chapter 148, an advanced
4 registered nurse practitioner licensed under chapter 152
5 and registered with the board of nursing, or an optometrist
6 licensed under chapter 154 may report to the department
7 the identity of a person who has been diagnosed as having a
8 physical or mental condition which would render the person
9 physically or mentally incompetent to operate a motor vehicle
10 in a safe manner. The physician, advanced registered nurse
11 practitioner, or optometrist shall make reasonable efforts
12 to notify the person who is the subject of the report, in
13 writing. The written notification shall state the nature of
14 the disclosure and the reason for the disclosure. A physician,
15 advanced registered nurse practitioner, or optometrist making a
16 report under this section shall be immune from any liability,
17 civil or criminal, which might otherwise be incurred or imposed
18 as a result of the report. A physician, advanced registered
19 nurse practitioner, or optometrist has no duty to make a
20 report or to warn third parties with regard to any knowledge
21 concerning a person's mental or physical competency to operate
22 a motor vehicle in a safe manner. Any report received by
23 the department from a physician, advanced registered nurse
24 practitioner, or optometrist under this section shall be kept
25 confidential. Information regulated by chapter 141A shall be
26 subject to the confidentiality provisions and remedies of that
27 chapter.

28 EXPLANATION

29 Under current law, the department of transportation has the
30 authority to determine if an applicant for a driver's license
31 or a person who holds a valid driver's license is physically
32 or mentally incompetent to drive. The department may order an
33 examination or may act on the confidential report of a licensed
34 physician or optometrist disclosing the identity of a person
35 who has been diagnosed with a physical or mental condition

1 which would render the person incompetent to operate a motor
2 vehicle in a safe manner. A physician or optometrist who makes
3 such a report is required to attempt to notify the person who
4 is the subject of the report in writing, stating the nature
5 of the disclosure and the reason for the disclosure. The
6 reporting physician or optometrist is immune from civil or
7 criminal liability that might otherwise be incurred or imposed
8 as a result of the report.

9 This bill allows a licensed advanced registered nurse
10 practitioner who is registered with the board of nursing to
11 make the same kind of report to the department regarding a
12 diagnosis affecting a person's ability to operate a motor
13 vehicle. An advanced registered nurse practitioner who makes
14 a report to the department has the same responsibilities and
15 protections that currently apply to a physician or optometrist
16 in connection with a report.